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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,339	07/28/2003	Thomas G. Woolston	13466-006002	6296
20985	7590	10/16/2007		
FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER ENG, DAVID Y	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 10/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/629,339

Applicant(s)

WOOLSTON, THOMAS G.

Examiner

DAVID Y. ENG

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 20-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-33 are pending of which claims 20-33 have been withdrawn from consideration because of non-elected claims. Applicants are again requested to cancel the non-elected claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to the first step of claim, it is not seen how the un-encapsulating of the data packet and placing the data packet onto a broadcast medium would result in one or more routers can receive the data packet substantially simultaneously. Note that the one or more routers have not been positively recited.

With respect to the last step of claim 1, it is not seen how the selecting of the encoded packets based on encoded information in the header would result in organizing the encoded information into a predetermined hierarchy of information based on the selection criteria, the resulting organization corresponding to one or more of the following: taxonomic classification, geographic location information, identity of the source of origin of a goods in commerce, type of goods or service offered in commerce, and brand name for a goods or services offered in commerce as recited. It appears that selecting the encoded packets based on encoded information in the header would

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merely result in sorting the encoded packets in accordance with the header information and nothing else.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woolston (USP 6,856,967) in view of Grimes (USP 6,668,058).

It is well known that a router and a sorter both are for branching a received message to one of the destinations in accordance with a criteria but different in that the criteria for a router is an IP address in the header whereas the criteria for a sorter is a condition expressed in context in the header.

See the description in column 13 lines 51-63 in Woolston. Woolston teaches novel dual use IP addressing scheme. The dual use IP addressing scheme provides a mechanism for re-purposing a conventional IP router into a streaming bid/ask categorization, sorting and broadcasting device.

See the description in column 3, lines 8-13 in Grimes. Grimes teaches that router 30 sorts, based on that header information, with router output to a selected carrier from those designated "A" through "J" in Figure 2.

Woolston teaches:

Claim 1

A method for using a router as a context-sensitive processing array (see the interpretation of Woolston above) wherein a header of a data packet is encoded with information descriptive of data (criteria expressed in context for sorting) contained in a payload of the data packet and the data packet is encapsulated (packet is inherently encapsulated in network communication) into another packet for transport across a network to an ingress point of the context-sensitive processing array, the method comprising:

un-encapsulating (inherent in network communication) the data packet and placing the data packet onto a broadcast medium (input of the sorter) such that one or more routers can receive the data packet substantially simultaneously (such that packets are sorted to a plurality of categories or branched to a plurality of destinations);

programming (inherent in sorting, inputting criteria or IP addresses to the sorter so that incoming packets can be compared and sorted in accordance with the criteria or IP addresses) at least one router to select data packets from the broadcast medium based on selection criteria that correspond to the encoded information in the packet header and;

selecting the encoded packets based on encoded information in the header, to organize the encoded information into a predetermined hierarchy of information based on the selection criteria, the resulting organization corresponding to one or more of the following: taxonomic classification, geographic location information, identity of the

source of origin of a goods in commerce, type of goods or service offered in commerce, and brand name for a goods or services offered in commerce.

The only difference is that Woolston does not state explicitly that the criteria are programmed in the header. Grimes teaches that router 30 sorts, based on that header information, with router output to a selected carrier from those designated "A" through "J" in Figure 2. From the teaching of Grimes, it would have been obvious to a person of ordinary skill in the art to program the criteria in the packet header such that, dependent on the types of criteria, the selecting of the encoded packets based on encoded information in the header would result in organizing the encoded information into a predetermined hierarchy of information based on the selection criteria, the resulting organization corresponding to one or more of the following: taxonomic classification, geographic location information, identity of the source of origin of a goods in commerce, type of goods or service offered in commerce, and brand name for a goods or services offered in commerce as recited.

Claims 2-19

The claims consist of non-functional descriptive materials which have no functional effect on the method steps.

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Y. ENG whose telephone number is 571-272-3984. The examiner can normally be reached on M-F from 8AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SALEH NAJJAR, can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID Y. ENG
PRIMARY EXAMINER